South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

Vol. 12 May 9, 1995 No. 17

CONTENTS

OFFICE OF RESEARCH
Room 309, Blatt Building, P.O. Box 11867, Columbia, S.C. 29211, (803)734-3230

House Week in Review

On Tuesday, objections placed H. 3841 on the contested calendar. This bill would add three new judges to the South Carolina Court of Appeals, four new judges to the state's circuit courts, and three new judges for the state's family courts, with these additional judges assigned to specific circuits. Addition of these new judges is expected to relieve the overwhelming case loads in South Carolina's courts. However, there has been disagreement among several legislators as to which circuits additional judges should be assigned, with legislators stressing the need for additional judges in a number of circuits. With nearly 10 representatives objecting to this bill last Tuesday, the bill now has been placed well at the back of the House contested calendar. Also on Tuesday, representatives approved H. 3852, a bill changing the state's current provisions on physical fitness services contracts so as to, among other things, make physical fitness service contracts unenforceable if they do not comply with state or federal law and to exempt physical fitness service facilities in operation 10 or more consecutive years in South Carolina and under the same ownership from bonding and financial responsibility contracts.

Much of the House's time on Wednesday was spent debating H. 3446, a bill setting location requirements for location of production and waste areas of confined livestock and poultry facilities and prohibiting proposed agricultural facilities and operations from being deemed nuisances in certain instances. Supporters claimed the legislation would assist in bringing new jobs to the state, while opponents of the legislation expressed concern that the bill would weaken environmental standards and make it difficult for counties to regulate development. During the several hours of debate, more than three dozen amendments were offered to the bill, with most of them rejected. Among the rejected amendments were ones to allow counties and municipalities to adjust their existing ordinances or enact new ones to delineate areas compatible with these agricultural facilities and to protect the property values of neighborhoods adjoining these facilities. Second reading of the bill was given by a 59-36 vote. Among other bills approved that day were S. 238, a bill pertaining to approval of charges and other matters concerning HMO contracts, and S. 482, a bill requiring a school district board of trustees to expel for at least 1 year any student determined to have brought a firearm to school or any setting under the board's jurisdiction.

On Thursday, objections were placed on S. 46. a bill prohibiting licensure of operators of day care centers, or employment of persons at those centers,

if convicted of certain crimes and requiring these persons to undergo fingerprint reviews. Also that day, the House voted to set for special order for Tuesday, May 9, the Senate reapportionment bill, S. 9. Debate on this bill will begin following the call of the uncontested calendar Tuesday. (A summary of geographical and demographic information of the Senate districts under that plan can be found beginning on the next page.)

While the House, as noted above, addressed a number of different issues this past week, the Senate, in contrast, was mostly focused on debate over H. 3362, the general appropriation bill for fiscal year 1995-1996. Senate debate on the measure began Monday, May 1, and continued throughout the week, not ending until the early hours of Saturday, May 6. Much of the debate in the Senate focused on proposals to reopen Barnwell to low level radioactive waste from throughout the country (not just the Southeastern compact), meet a court order concerning the Citadel (i.e., admission of women to that institution) by establishing an alternative program for women at Converse College, and to provide property tax relief. On Tuesday, May 2, the Senate rejected a motion to conform that chamber's property tax relief proposal with the House version of $184 million, with the Senate instead opting to provide approximately $73 million in such relief. An effort by senators to provide property tax relief by raising the state sales tax from 5 to 6 percent was ruled out of order by Lieutenant Governor Bob Peeler, the Senate's presiding officer. The Senate also voted to leave the Southeastern Compact (an 8-state compact providing for the disposal of low level radioactive waste) and to leave the Barnwell Facility, currently scheduled to close at the end of the year, open for another 10 years. Senators also voted to appropriate $3.4 million to set up a women's leadership institute at Converse College in response to a ruling of the U.S. 4th Circuit Court of Appeals that the Citadel either admit women or establish an alternative program for women. Differences in the House and Senate versions of the budget will be worked out by a House/Senate conference committee, with appointments to this committee possibly being made by the end of this week.

Background on Senate Reapportionment Plan

As noted earlier in the Update, the House voted on Thursday, May 4 to set S. 9, the Senate reapportionment plan, for special order on Tuesday, May 9. Listed below is a report giving some background on the issue and demographic information on the Senate districts in this proposal:

Senate Reapportionment Plan **(S. 9, Sen. Holland).** This is a bill redrawing the boundaries of the State's 46 Senate districts. In 1992, a three-judge federal panel issued an order establishing new district lines for the State House, Senate and congressional seats, after the General Assembly and the governor could not agree on new district lines. However, opponents claimed the court plan did not create enough additional black-majority seats, and in 1993 the Supreme Court sent a lawsuit over the court plan back to the 3-judge federal panel, which in turn ordered legislators to come up with new districts. Last spring, the General Assembly approved new district boundaries for the State House of Representatives and for Congress, although with the Senate not up for election again until 1996, there was no particular urgency last year to adopt new Senate districts, so senators deferred action on reapportionment of their chamber until the current session.

Some features of the Senate reapportionment plan are as follows:

---A net gain of 1 additional district in which African Americans constitute a majority of the voting age population (i.e., districts where a majority of the population of persons 18 or older is African American). Creates a new district in the Pee Dee area (Senate District 29), consisting of most of Darlington and Marlboro Counties and portions of Chesterfield, Florence and Lee Counties. Creates another new district (Senate District 37) running from the lower Pee Dee to around Charleston, including portions of Berkeley, Charleston, Colleton, Dorchester and Williamsburg Counties. Also, reduces the black voting age percentage in District 40 from 51.49 percent to 41.37 percent.

---Removes approximately 5,000 persons in Calhoun County from Senate District 21 (currently represented by Senator Darrell Jackson), with that senator picking up approximately 5,000 persons in Richland County. Extends Senate District 36 (currently represented by Senator John Land of Clarendon County) into Calhoun County to pick up the 5,000 formerly in Senator Jackson's district. Senate District 36 also loses approximately 11,000 persons from Lee County but in turn gains nearly 5,000 in Florence County and another 1,000 in Sumter County.

---Extends Senate District 31 (currently represented by Senator Hugh Leatherman of Florence) into Darlington County, and reduces the percentage

of the voting age population (VAP) which is African American from 20.13% to 12.75%.

---Changes Senate District 34 (currently represented by Senator Greg Smith of Georgetown County). Currently this district includes most of Georgetown County and smaller portions of Berkeley, Charleston and Horry County. Under S. 9, however, a majority of persons living in this district would reside in Charleston County (approximately 39,000 persons), with the Horry portion of the district increasing from approximately 11,000 to 21,000 persons. Berkeley County would no longer be in this district. The overall length of the district would be about 80 miles, running from Mount Pleasant in Charleston County to Garden City in Horry County, with this district running only a few miles inland from the coast. The black VAP would be reduced from the current 33.76% to 9.47%.

---Makes Senate District 44 (currently represented by Senator Larry Richter of Charleston County) a mostly Berkeley County district. Currently, about three-fourths of the district is located in Charleston County, but under S. 9, about 64,000 of the district's 76,500 or so residents would be located in Berkeley County, with the remainder divided between Charleston and Dorchester Counties.

---No changes in Greenville and Spartanburg Counties (i.e., district lines will be unchanged from those used for the 1992 Senate elections).

Listed beginning on the next page is demographic information pertaining to the Senate districts as proposed under S. 9. The table lists the district number, the county or counties included in that district, and the percentage of the voting age population in each district which is black. Demographic information is based on the 1990 U.S. Census. The "ideal" population of a Senate district in this state is approximately 75,800 (1990 population of 3,486,703 divided by 46 Senate seats). **Districts marked in bold and with an asterisk (*)are districts where African Americans constitute a majority of the district's voting age population**. Also included are population figures for each portion of a county contained within a district. As an example, in Senate District 1, 57,494 persons live in Oconee County and 18,847 live in Pickens County. For districts containing more than one county, the number beneath the line indicates the district's total population (with the numbers above the line showing each county's population in the district).

(pt.)= part (i.e., district contains part of the county)

VAP%* = the percentage of each Senate district's voting age population (i.e., persons age 18 or older) which is African American.

(Please turn to next page for district statistics)

Legislative Update, May 9, 1995

District Number	Counties	1990 Population	VAP%* Black
1	Oconee County	57,494	
	Pickens County (pt.)	18,847	
		76,341	8.70
2	Pickens County (pt.)	75,047	5.96
3	Anderson County (pt.)	75,744	10.12
4	Abbeville County (pt.)	6,966	
	Anderson County (pt.)	69,452	
		76,418	20.66
5	Greenville County (pt.)	76,379	8.41
6	Greenville County (pt.)	75,758	4.52
7	Greenville County (pt.)	75,054	47.74
8	Greenville County (pt.)	75,872	7.64
9	Greenville County (pt.)	17,104	
	Laurens County	58,092	
		75,196	21.81
10	Abbeville County (pt.)	16,896	
	Greenwood County	59,567	
		76,463	28.16
11	Spartanburg County (pt.)	75,276	29.99
12	Spartanburg County (pt.)	75,834	13.41
13	Spartanburg County (pt.)	75,690	13.04
14	Cherokee County	44,506	
	Union County (pt.)	10,938	
	York County (pt.)	19,605	
		75,049	15.70
15	York County (pt.)	75,218	10.33
16	Fairfield County (pt.)	7,905	
	Lancaster County (pt.)	50,068	
	York County (pt.)	17,070	
		75,043	19.90

Legislative Update, May 9, 1995

District Number	Counties	1990 Population	% VAP Black
17*	**Chester County**	**32,170**	
	Fairfield County (pt.)	**14,390**	
	Union County (pt.)	**9,005**	
	York County (pt.)	**19,604**	
		75,169	**53.75**
18	Lexington County (pt.)	15,274	
	Newberry County	33,172	
	Saluda County	16,357	
	Union County (pt.)	10,394	
		75,197	25.96
19*	**Richland County (pt.)**	**75,126**	**64.54**
20	Richland County (pt.)	76,518	17.28
21*	**Calhoun County (pt.)**	**7,488**	
	Richland County (pt.)	**69,065**	
		76,553	**54.11**
22	Kershaw County (pt.)	10,639	
	Richland County (pt.)	65,011	
		75,650	16.27
23	Lexington County (pt.)	75,083	6.61
24	Aiken County (pt.)	67,839	
	Lexington County (pt.)	7,493	
		75,332	15.90
25	Aiken County (pt.)	47,820	
	Edgefield County	18,375	
	McCormick County	8,868	
		75,063	34.04
26	Aiken County (pt.)	5,281	
	Lexington County (pt.)	69,761	
		75,042	14.02
27	Chesterfield County (pt.)	37,430	
	Kershaw County (pt.)	32,960	
	Lancaster County (pt.)	4,448	
	Marlboro county (pt.)	599	
		75,437	28.60

District Number	Counties	1990 Population	% VAP Black
28	Dillon County (pt.)	15,032	
	Florence County (pt.)	6,487	
	Horry County (pt.)	40,172	
	Marion County (pt.)	4,414	
	Marlboro County (pt.)	10,414	
		76,519	20.01
29*	Chesterfield County (pt.)	1,147	
	Darlington County (pt.)	36,825	
	Florence County (pt.)	8,622	
	Lee County (pt.)	10,166	
	Marlboro County (pt.)	18,348	
		75,108	56.30
30*	Dillon County (pt.)	14,082	
	Florence County (pt.)	32,056	
	Marion County (pt.)	29,485	
		75,623	57.26
31	Darlington County (pt.)	25,026	
	Florence County (pt.)	51,414	
		76,440	12.75
32*	Florence County (pt.)	9,403	
	Georgetown County (pt.)	29,293	
	Horry County (pt.)	6,724	
	Williamsburg County (pt.)	30,022	
		75,442	57.86
33	Horry County (pt.)	76,471	12.10
34	Charleston County (pt.)	38,774	
	Georgetown County (pt.)	17,009	
	Horry County (pt.)	20,686	
		76,469	9.47
35	Lee County (pt.)	856	
	Sumter County (pt.)	74,743	
		75,599	26.23
36*	Calhoun County (pt.)	5,265	
	Clarendon County	28,450	
	Florence County (pt.)	6,362	
	Lee County (pt.)	7,415	
	Sumter County (pt.)	27,894	
		75,386	60.31

District Number	Counties	1990 Population	% VAP Black
37*	**Berkeley County (pt.)**	**35,901**	
	Charleston County (pt.)	**6,810**	
	Colleton County (pt.)	**14,233**	
	Dorchester County (pt.)	**12,048**	
	Williamsburg County (pt.)	**6,793**	
		75,785	**55.44**
38	Berkeley County (pt.)	7,998	
	Charleston County (pt.)	4,183	
	Colleton County (pt.)	8,324	
	Dorchester County (pt.)	56,045	
		76,550	12.66
39*	**Bamberg County**	**16,902**	
	Colleton County (pt.)	**4,685**	
	Dorchester County (pt.)	**8,251**	
	Hampton County (pt.)	**2,671**	
	Orangeburg County (pt.)	**43,626**	
		76,135	**62.28**
40	Allendale County (pt.)	8,449	
	Barnwell County	20,293	
	Hampton County (pt.)	6,149	
	Orangeburg County (pt.)	41,177	
		76,068	41.37
41	Charleston County (pt.)	72,542	
	Dorchester County (pt.)	3,988	
		76,530	10.36
42*	**Charleston County (pt.)**	**76,506**	**54.65**
43	Berkeley County (pt.)	20,988	
	Charleston County (pt.)	54,951	
		75,939	24.04
44	Berkeley County (pt.)	63,889	
	Charleston County (pt.)	9,938	
	Dorchester County (pt.)	2,728	
		76,555	9.98

District Number	Counties	1990 Population	% VAP Black
45*	Allendale County (pt.)	3,273	
	Beaufort County (pt.)	9,943	
	Charleston County (pt.)	31,335	
	Colleton County (pt.)	7,135	
	Hampton County (pt.)	9,371	
	Jasper County	15,487	
		76,544	58.32
46	Beaufort County (pt.)	76,482	19.94

Additional Information on Senate Districts

Smallest District: #26 (Aiken and Lexington Counties)---75,042.
Largest District: #44 (Berkeley, Charleston and Dorchester Counties)---76,555.

Bamberg, Barnwell, Cherokee, Chester, Clarendon, Edgefield, Jasper, Laurens, McCormick, Newberry, and Saluda Counties are the only 11 counties under this new plan each located entirely within 1 Senate district (i.e., not split among 2 or more Senate districts.)

The table below indicates the percentage of African Americans (in terms of voting age population) in each Senate district by range (i.e., 60-65%, 50-59.9%, etc.). As an example of how to use this table, notice on the first line that the percentage black voting age population is 60 to 65 percent, followed by the 3 senate districts, meaning that 3 of the Senate's 46 districts have a black voting age population percentage within that range. Similarly, the table shows that 8 districts have a black voting age population of between 50 and 59.9 percent.

% VAP Black	Number of Senate Districts	District Numbers
60---65	3	19, 36, 39
50---59.9	8	17, 21, 29, 30, 32, 37, 42, 45
40---49.9	2	7, 40
30---39.9	1	25
20---29.9	9	4, 9, 10, 11, 18, 27, 28, 35, 43

Legislative Update, May 9, 1995

% VAP Black	Number of Senate Districts	District Numbers
10---19.9	15	3, 12, 13, 14, 15, 16, 20, 22, 24, 26, 31, 33, 38, 41, 46
4----9.9	8	1, 2, 5, 6, 8, 23, 34, 44

Bills Introduced

The following bills were introduced in the House last week. Not all bills introduced in the House are featured here. The bill summaries are arranged according to the committee to which the legislation was referred.

JUDICIARY

Mandatory Death Penalty for Persons Destroying or Damaging Property with Explosives and Death Results (H. 4179, Rep. Askins). Current South Carolina law prohibits anyone from destroying or damaging property (or attempting, agreeing, conspiring, etc. to do so) by use of explosives or incendiary devices, with a person convicted of this crime sentenced either to death or imprisonment of 25-50 years if death results from this activity. This bill would make the death penalty mandatory in cases where death results from these activities.

Alcoholic Beverage Permits (S. 654, Sen. G. Smith). This bill authorizes the issuance of temporary liquor permits (i.e., Sunday liquor sales) to bona fide nonprofit organizations and businesses meeting the following requirements:

(1) a location east of the Intracoastal Waterway in an area of the county adjoining a county that has [1] passed a referendum authorizing the issuance of these permits, and [2] annual accommodations tax collections exceeding $6 million;

(2) the annual accommodation tax collections in the county where the organization or business is located exceed $500,000; and

(3) a majority of voters in the area vote in a referendum in favor of issuance of the permits.

In order to hold a referendum on issuance of permits in the area, a petition must be presented to the county election commission, signed by at least 10 percent but not more than 2,500 of the registered voters of the area for which the authorization to issue permits is sought. Once the commission certifies that the number of signatures has been obtained within a reasonable period, the referendum must be held 30-40 days after such certification. Expenses of the referendum must be paid by the county or municipality conducting the referendum, and this referendum cannot be held in the county area more than once every 48 months.

Increase in Amount of Judgment on Recognizance a Magistrate May Confirm (S. 668, Sen. Gregory). This bill increases from $200 to $500 the maximum amount of judgments on recognizance a magistrate may confirm, plus fees and assessments.

Aggravating Circumstances To Be Considered in Sentencing Phase of Death Penalty Proceeding (S. 710, Sen. McConnell). This bill requires a judge to consider, or include in his instructions to a jury to consider, dismemberment of a person as an aggravating circumstance for purpose of determining the punishment (i.e., death or life imprisonment) for murder.

LABOR, COMMERCE AND INDUSTRY

Privatization Policy Board (S. 35, Sen. Passailaigue). This bill creates a Privatization Policy Board, the purposes of which are to review whether services performed by existing state agencies could be privatized to provide the same types and quality of services that result in cost savings; review requests for privatization of services and issues concerning agency competition with the private sector and determine whether privatization is feasible and would result in cost savings and ways to eliminate unfair competition; and recommend privatization to an agency when the proposed privatization is demonstrated to provide a more cost-efficient and effective manner of providing existing governmental services.

This board would consist of the chairman of the State Reorganization Commission or his designee and 10 members, of whom 2 are appointed from the Ways and Means Committee (by the committee chairman); 2 are appointed from the Senate Finance Committee (by the committee chairman); and 6 are appointed by the governor, of whom 2 represent public employees (upon recommendation of the State Employees' Association), 2 represent the private business community, and 2 represent educational groups. Board members would serve staggered 2-year terms. The bills provides for staffing of the committee, entitles committee members to per diem, mileage and subsistence, and allows the board to appoint advisory groups to conduct studies, research and analyses, and make reports and recommendations with respect to subjects or matters within the board's jurisdiction.

Conditions Under Which General or Mechanical Contractors Cannot Use Legal Process To Enforce Provisions of Construction Contract (S. 505, Sen. Stilwell). This bill prohibits an unlicensed contractor from using the legal process to enforce provisions of any construction contract if the contracting party subject to the action brought by the contractor had no knowledged at the time of entering into that contract that the contractor was unlicensed (i.e., not licensed as a contractor). If adopted, these provisions would be effective upon approval by the governor, with these provisions applying with respect to actions commenced after this act's effective date.

Auto Insurance Reform (S. 628, Banking and Insurance Committee). Current South Carolina law requires auto insurers to offer two different rates for auto insurance---a base rate, and an objective standards rate which is 25 percent above the base rate. This bill eliminates the base and objective standards rates, instead requiring insurers to offer 1 or more

rates, including rates approved for policies ceded to the Reinsurance Facility (hereafter called "facility"). Member companies of an affiliated group of auto insurers may use different filed rates (and rating plans) for auto insurance coverages which they are mandated by law to write, with these rates and rating plans (like today) required to be approved by the Director of the Department of Insurance (hereafter called "director"), provided they are not excessive, inadequate or unfairly discriminatory.

The bill also requires the director, beginning January 1, 1996, to disallow further use of the objective standards rate previously filed and modify the uniform merit rating plan to reflect such discontinuance. However, insurers may continue to use rates approved before January of next year and are not required to refile final rates previously approved by the director. No auto insurance credit or discount plan may be promulgated or approved by the director unless the discount or credit will be given by the insurer on a nondiscriminatory basis to all policyholders who are eligible and not ceded to the facility. The Facility must, on an annual basis, file a liability loss component for private passenger auto insurance coverages, based on the total experience of all insurers in South Carolina, including risks ceded to the Facility. Furthermore, the facility annually must file a physical damage loss component for private passenger auto insurance coverages based on the total experience of all insurers in South Carolina, including risks ceded to the facility. In developing these components, consideration must be given to actual loss experience in this State for the most recent 3-year period for which such information is available; to prospective loss experience; and to all other relevant factors within South Carolina, provided, however, that countrywide loss experience and other countrywide data may be considered only when credible experience or data is not available.

The bill also requires the facility, in filing an expense component for private passenger auto insurance rates or premium charges, to ensure that the component accurately reflects the actual losses of the facility and a zero (0) percent profit, which will be used with the pure loss component developed for private passenger auto insurance coverage. Upon approval of the facility expense component, designated agents and all insurers on all risks ceded to the facility must use the facility rate. The premium for risks ceded to the facility must be the state uniform rate or the company-filed rate approved by use of the insurer, whichever is greater. However, any insurer having a company-filed rate which is less than the state uniform rate (facility rate) must use the following transition program for all "clean risks" (i.e., risks having no merit rating points) ceded by the insurer on January 1, 1996, so that ceded voluntary rates will be increased by each company one-fifth (1/5) of the difference between the company-filed rates and the Facility rate over 5 years:

* 20 percent of the current differential of the lower company-filed rate added to renewals effective on or after January 1, 1996;

* 40 percent of the current differential between the lower company-filed rate and projected facility rate added to renewals effective on or after January 1, 1997;

* 60 percent of the current differential between the lower company-filed rate and projected facility rate added to renewals effective on or after January 1, 1998;
* 80 percent of the current differential between the lower company-filed rate and projected facility rate added to renewals effective on or after January 1, 1999; and
* On or after January 1, 2000, renewals must be ceded at the state uniform rate.

Beginning on January 1, 1997, physical damage coverage on renewals must be ceded at the (self-sustaining) facility physical damage rate. For 1 year beginning on January 1, 1996, other risks (new business of an owner) which do not have any merit rating points (clean risks) that are ceded by an insurer with a company-filed rate less than the projected state uniform rate, the rate charged for such ceded risks must be: (1) the company-filed rate, (2) plus 20 percent of the differential between the company-filed rate and the projected state uniform rate. However, on January 1, 1997, the rate for all risks ceded must be the state uniform rate. Also, beginning January 1 of next year, the rate for private passenger auto physical damage coverages ceded to the facility on new and renewal risks having 1 or more merit rating points must be the (self-sustaining) facility physical damage rate.

The bill also repeals the mandate requiring insurance companies in the voluntary market to write auto physical damage coverage for all South Carolina drivers, although these "nonmandated" coverages may be ceded in the facility. All physical damage coverage ceded to the facility must be at the self-sustaining "facility physical damage rate. Designated agents must write physical damage coverages for all South Carolina driver or applicants requesting such coverage. This coverage would be written at the facility physical damage rate. The bill also provides for single interest collision coverage and requires designated agents to write physical damage coverage to those persons written by them that request such coverage.

The bill contains a strong anti-discrimination clause, prohibiting an insurer from refusing to write or renew physical damage coverage because of race, color, creed, religion, national origin, ancestry, location of residence, economic status, or occupation. If an insurer is found participating in discriminatory practices, then the director of insurance may impose a fine on the insurer of up to $200,000.

Also under these provisions, it is not unlawful to make a distinction between policyholders with respect to rates, coverages, claims or other services based upon those provided in the facility rate plans. The bill deletes a provision which currently prohibits insurers from providing to agents any listing of classes or types of auto insurance risk which it considers necessary to reinsure in the facility. Current law regarding no limit on cession of pointed business will become permanent law (currently, and until October 1, 1995, an insurer can cede its pointed business without having these risks count as part of the 35 percent cessions limitation. The

basis of cessions is changed from premium volume to "car-year exposures." The current 35 percent cessions limitation (affecting "clean" risks ceded by insurer) is increased by 5 percent to 40 percent (effective upon approval of the governor), with this cessions limitation increasing to 45 percent on January 1, 1997 and to 50 percent on January 1, 1998.

The bill address the matter of recoupment fees by requiring that such fees for the period between July 1, 1995 and June 30, 1996 remain the same as those charged for the current period (July 1, 1994 through June 30 of this year), with facility losses unrecouped because of this freeze to be recouped evenly during the 3-year period beginning July 1, 1996.

Operation of the Department of Insurance is changed so that beginning in 1997, that department must be managed by an insurance commissioner elected by the public in the general election (beginning in 1996. Like candidates for a statewide constitutional officer, candidates for the office of insurance commissioner must file for election and be nominated in the same manner.

The bill requires the facility governing board to determine an average volume of business by designated agents using a methodology designed to eliminate from the calculation extremes of low and high volume that would skew the average. In areas where designated agents exceed this average volume, the facility governing board must add additional qualified designated agents that do not have to meet any criteria set forth that all other designated agents must meet. In making these additional designation, the facility governing board must survey the representation of minorities among designated agents in each area of the state, and where minorities are underrepresented with respect to the population of the area, the board must use the designation of these additional agents to make up for the disparity.

The Joint Insurance Laws Study Committee must review the system of designated agents by conducting public hearings and receiving public comment, and also must make a recommendation to the General Assembly regarding action that should be taken to abolish, in an orderly and appropriate manner, the designated agents system in this State. The recommendation must be submitted to the Speaker and President of the Senate by December 1, 1995.

The bill also requires the facility to accept cessions on an auto insurance policy at the option of an insurer, but only at the rate or premium charge as determined under rating plans established by the governing board and approved by the director or his designee, and subject to current laws regarding reasonable utilization of the facility by member companies. The premium charge for drivers of private passenger autos must be the state uniform rate, and beginning October 1, 1997, the rate for physical damage coverage must be the facility physical damage rate. Facility rate plans must use the applicable risk and territorial classification plan promulgated by the director, including merit rating plan surcharges and discounts, although the facility rate plans must not include discounts approved for individual

insurers. The facility also must publish a uniform rate and rules manual, to include all applicable classifications, discounts, rating rules and procedures to be utilized in connection with facility business. The manual is subject to annual approval by the director. The ceding insurer must transfer to the facility for each policy reinsured by the Facility the pure loss component of the applicable uniform rate, together with the contingent component of such rate. The ceding insurer must retain as its ceding commission the allocated loss adjustment expense component, as well as the underwriting and administrative expense components of the applicable uniform rate. However, the ceding insurer cannot include in the agents' commissions component of its underwriting expenses any amount greater than it has actually paid its agent as commission on the reinsured risk.

The facility governing board must assign a specific location to each designated agent, and except through acquisition of an exiting designated agency, a designated agent may not open or maintain any other locations without the governing board's written authorization. However, applicants maintaining multiple offices on June 4, 1987 are entitled to maintain two locations as a designated agent which he owned and operated at the time and through which premiums in at least the amount of $75,000 were written. The governing board must terminate the designation, and the director or his designee must revoke all agent's licenses of any producer who does not comply with this requirement upon demand of the governing board. Upon termination, the producer's expirations on designated business become the property of the facility. The bill also makes the authority of the director to designate agents transferable to (1) the facility for purposes of liquidation, or (2) a spouse, child, parent, brother, sister, employee or partner of 5 years for the agent, upon the designated producer's retirement, incapacity or death. Duties of a designated producer may be performed by 1 or more qualified employees of the producer or the producer's corporate agency.

Finally, the bill allows designated agents to have direct or indirect contact with any voluntary market outlet for the purpose of writing any type of auto insurance in South Carolina, although a designated agent cannot have more than 65 percent of his yearly total amount of net written premiums for private passenger auto liability insurance coverages in all his voluntary market outlets. If the designated agent exceeds 65 percent in 18 months after notification, during which time an appropriate reduction in voluntary market writings has not been accomplished, then the facility governing board must terminate the agent's designated status, thus making him no longer a designated agent.

Disclosure of Certain Information by Employment Security Commission **(S. 780, Labor, Commerce and Industry Committee).** This bill requires the Employment Security Commission to provide to the South Carolina State Education Assistance Authority, when requested and to the extent necessary for proper collection of defaulted student loans, information in commission records concerning the name, address, ordinary occupation, employment status and employer's address of the individual in default of his student loan.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

Requirements for Placement of Emotionally-Disturbed Children in Substitute Care Settings (S. 370, Sen. Bryan). This bill, with limited exceptions, requires all emotionally-disturbed children considered for placement in a substitute care setting outside South Carolina to be referred to the Children's Case Resolution System (hereafter called "System"). A child may not be placed in a substitute care setting outside this State without written explanation in the child's records by the involved agencies, with this explanation at a minimum including what services have been utilized within South Carolina and what resources have been secured outside this State that are not available in this State. However, the child's case is not required to be referred to the System if the appropriate substitute care setting is located outside this State but within 50 miles of the state line and is closer to the child's home than an appropriate setting within South Carolina.

Statewide Alzheimer's Disease and Related Disorders Registry (S. 703, Sen. Giese). This is the companion bill to H. 3929, introduced last month, changing the name of the "Statewide Alzheimer's Disease and Related Disorders Registry" to the "Alzheimer's Disease Registry," and establishing this registry within the University of South Carolina School of Public Health. The bill also specifies that the purpose of this registry is to provide a central information data base on individuals with Alzheimer's Disease or related disorders to assist in development of public policy and planning. The functions of the registry are revised to include the provision of information for policy planning purposes and nonidentifying data to support research on this disease and related disorders. Furthermore, in collecting data, the registry must, to the extent possible, rely upon data from existing sources but may also contact families and physicians of persons reported to the registry for the purpose of gathering additional data and providing information on available public and private resources.

The bill also expands the size of the registry's advisory committee to 23, adding to the membership, among other organizations, representatives of the AARP, Clemson University, South Carolina State University, South Carolina Hospital Association, and South Carolina Medical Association. This advisory committee must assist the registry in defining the population to be included in the registry; developing procedures and forms for collecting, recording, etc. data; developing protocols and procedures to be disseminated and used by health care providers; and developing procedures for approving research projects or participation in research projects.

Except for use in collecting data on deaths from the Bureau of Vital Statistics of DHEC, identifying information collected or maintained by the registry may not be released unless consent is obtained from the subject or his legal representative. The bill also provides that the registry, USC's

School of Public Health, or persons, medical facilities or other organizations providing or releasing information in accordance with these provisions may not be held liable in a civil or criminal action for divulging confidential information, unless the person or organization acted in bad faith or with malicious purpose. Finally, the bill requires the registry to submit an annual report to the Governor's Office, Division on Aging, Alzheimer's Disease and Related Disorders Resource Coordination Center, DHEC, and the Division of Research and Statistics (Health Statistics) of the Budget and Control Board.

Passing Scores for Examinations of Physical Therapists (S. 731, Sen. Moore). This bill sets passing scores for examinations for registration as a physical therapist. Under these provisions, for exams administered by the Professional Examination Service or Assessment Systems before July of 1995, the passing score for the physical therapist exam and the physical therapist assistant exam is 1.5 standard deviations (70 converted pass point) below the mean for the raw score of the exam. After June of this year, the criterion referenced passing point is equal to a scaled score of 600 based on a score range of 200-800 as adopted by the Federation of State Boards of Physical Therapy on February 2, 1993. The bill also allows the State Board of Physical Therapy Examiners to charge, in addition to fees currently set forth in regulation, an application fee (for registration) of $120 and an examination fee to be paid directly to a third party who has contracted with the Department of Labor, Licensing and Regulation to administer the exam.

No Certificates of Occupational Therapist Licensure to Foreign Trained Persons (S. 759, Sen. Moore). This bill deletes provisions authorizing issuance of temporary and regular certificates of occupational therapist licensure to foreign -trained occupational therapists or occupational therapist assistants.

WAYS AND MEANS

Revenues of Taxes, Fees or Charges Levied by General Assembly Must Be Used Only for Purpose for Which Proceeds of Tax, etc. Were To Be Applied At Time of Enactment (S. 177, Sen. Rose). This bill prohibits the General Assembly from appropriating revenues collected or accrued from levying of any tax, fee or charge for any purpose other than that for which the proceeds were to be applied at the time of enactment of the tax, etc., except upon a two-thirds affirmative vote of the total membership of each chamber.

WITHOUT REFERENCE

Raising Threshold Monetary Levels as Pertains to "Chargeable" Accidents (H. 4188, Labor, Commerce and Industry Committee). Current South Carolina law requires an applicant for or current policyholder of auto insurance to be written at the "base rate" except under various circumstances, one of which is that the person has had 2 or more "chargeable" accidents within the 36 months immediately preceding the effective date of coverage (in which case the person then must be written at the objective standards rate). For purposes of that current law, a "chargeable accident" is one resulting in bodily injury in excess of $300 per person, death, or damage to the property of the insured or other person in excess of $750. This bill would raise these thresholds, respectively, to $600 and $1,000, so that if this bill is adopted, a chargeable accident would be one resulting in bodily injury to any person in excess of $600 per person, death, or damage to the property of the insured or other person in excess of $1,000. These new thresholds would only apply to accidents occurring after June 30, 1995 and also apply to any merit rating plan promulgated by the director of the Department of Insurance or his designee. Furthermore, the General Assembly is required to review every 3 years these new threshold amounts to determine whether they must be changed.

Recodification and Revision of State Tax Laws (S. 753, Sen. Passailaigue). This bill was drafted by the Department of Revenue and Taxation for the purpose of modifying and simplifying the income tax provisions of South Carolina's Code of Laws. The bill revises, reorganizes and recodifies state laws imposing state individual and corporate income taxes and makes no changes to the interpretation or individual or corporate statutes. Under these provisions, procedures are listed for withholding income taxes and imposing the corporation license tax. The bill rearranges statutes, deletes obsolete laws and cleans up language to make statutes easier to read.

With only a few weeks left in the 1995 legislative session, the Update, beginning today and continuing through the end of this session, will update the status of various pieces of legislation either pending before the General Assembly or signed into law.

(1) LEGISLATION PASSED BY THE GENERAL ASSEMBLY
(as of Monday, May 8)

The following legislation has been approved by the General Assembly this year and signed into law by the governor:

Supplemental Appropriations (H. 3361, House Ways and Means Committee). This joint resolution appropriates nearly $38.8 million in supplemental appropriations from Fiscal Year 1993-1994 surplus revenues, as follows:

(1) Budget and Control Board, Div. of Operations.....$17,000,000
(for Statehouse renovations)
(2) Coordinating Council for Economic Development.....4,700,000
(for economic development projects)
(3) Technical Education Commission.....3,775,731
(for special schools)
(4) Guardian Ad Litem.....200,000
(operating)
(5) Forestry Commission (for firefighting equipment)....4,600,000
(6) Department of Corrections (Ridgeland Institution)...3,129,908
(7) Clemson-PSA (Garrison Livestock Arena).....1,900,000
(8) John de la Howe School (sewer repairs).....425,000
(9) Higher Education Formula.....2,756,993
(10) University of Charleston.....300,000
(for Center for Entrepreneurship)

The joint resolution also provides that the Clerk of the House, Clerk of the Senate, and director of the Division of Operations of the Budget and Control Board (or their respective designees) must act as agents of the State House Committee and are responsible for administration and implementation of the State House renovation project. Changes or modifications to the project that would constitute a substantive modification of the overall project, as approved by the State House Committee, must be considered and approved by that committee. These clerks and the director are granted authority to approve the expenditure of funds appropriated in this resolution for the renovation, or other funds appropriated or available for the renovation, and to manage and make all necessary decisions that may arise with regard to aspects of the project, such as hiring and supervision of consultants or other personnel responsible for all aspects of this project. These 2 clerks also have responsibility for

decisions relating to the renovations and upfitting in any areas of the State House currently utilized by their respective bodies, if those renovations or upfittings do not constitute substantive modifications to the overall project.

This joint resolution also authorizes the Budget and Control Board to expend not more than $1.5 million of the funds appropriated in this resolution to the Coordinating Council for Economic Development, with the funds expended by the Board in support of (1) any South Carolina military facility or activity identified as being at risk of closure by the Base Closure and Realignment Commission and/or (2) any other federal facility for which the reduction in forces or activities will result in the loss of at least 3,500 jobs as projected or announced by the federal government. These expenditures must be made in consultation with the leadership of the affected local community, with not more than $500,000 to be used in support of any single activity or entity.

Status: Signed into law on April 21, 1995.

Enterprise Zone Act of 1995 **(H. 3534, Rep. Wilkins).** This act grants a number of tax incentives for businesses to locate in rural and economically depressed areas. Under these provisions, the Budget and Control Board designates enterprise zones every year, with an enterprise zone consisting of any of the following:

(1) a census tract in which either the median household income is 80 percent or less of the state average or at least 20 percent of households live below the poverty level;

(2) a county classified as "less developed" pursuant to the Jobs Credit Act;

(3) a federal military base or installation at which employment has been reduced by at least 3,000 jobs since December 31, 1990;

(4) a census tract in which at least 50 percent of the employment is in textile or apparel jobs;

(5) a census tract in which a manufacturing facility has closed, resulting in job losses of at least 25 percent of the workforce; or

(6) a census tract, any part of which is within 20 miles of a federal facility which has reduced its civilian workforce by at least 3,000 jobs since December 31, 1990.

A "qualified business" in an enterprise zone must qualify for the Jobs Tax Credit Act; provide health care benefits to full time employees; and enter into a revitalization agreement with the Coordinating Council for Economic Development. The council must certify that the incentives are appropriate for the project and that the project's total benefits do not exceed the costs to the public.

The act provides a number of tax incentives for businesses. First of all, if at least 51 percent of the full time employees hired for the project either (1) reside in an enterprise zone at the time of employment, (2) have

a household income that is 80 percent or less of the median household income for the county prior to employment, or (3) have been a recipient of AFDC payments within the past 12 months, then the business is entitled to the maximum Corporate Income Jobs Tax Credit of $1,000. Furthermore, the business is entitled to an additional $500 per year tax credit in the third, fourth and fifth year of any AFDC recipient's continued employment with the business. Secondly, the business is eligible to negotiate for fee-in-lieu property tax advantages if the business meets one-half the requirements of the fee-in-lieu statute. Businesses also are eligible to use special source revenue bonds under the Fee-in-Lieu Act.

The act permits qualifying businesses to collect Job Development fees by retaining certain employee withholdings. In order to collect the fee, the business must enter into a revitalization agreement which allows such withholdings, and the funds must be held in an escrow account with a bank insured by the FDIC (Federal Deposit Insurance Corporation). Employers may use the withheld amounts for any of the following purposes: (1) training costs and facilities; (2) acquisition and improvement of real estate; (3) improvements to both public and private utility systems (including water, sewer, electricity and telecommunications); (4) fixed transportation facilities (including highway, rail, water and air; and (5) construction and improvements for the purpose of complying with environmental laws. If a qualifying business does not achieve the level of capital investment or employment set forth in the revitalization agreement, then the Department of Revenue and Taxation may terminate the agreement and reduce or suspend all or any part of the incentives until the time the levels are met.

H. 3534 also creates "economic impact zones," which provide tax exemptions and tax credits for individuals and corporations as incentives to invest in areas affected by military base closures or realignments. Once an area is designated by the Budget and Control Board, the economic impact zone remains in effect for 15 years, unless shortened by the General Assembly.

As for the main benefits for these zones, the bill allows up to 20 percent of cash paid for Economic Impact Zone Stock Companies to be deducted against South Carolina taxable income, with a maximum deduction of up to $10,000, not to exceed a cumulative $100,000, with the deduction allowed to be carried forward. Companies must meet the following criteria to qualify for that benefit:

(1) be worth no more than $5 million (small companies)
(2) be an active trade or business
(3) one-third (1/3) of its employees must reside in the zone
(4) the company must use the revenue from stock in the zone within 12 months.

A 5 percent credit is allowed on all economic impact zone qualified manufacturing and productive equipment properties placed in service within the zone in the tax year (tangible personal property including software but excluding buildings and property).

The act also gives the Department of Revenue and Taxation flexibility to make the apportionment system fair to the taxpaying business of the state, and provides special case apportionment if the Advisory Coordinating Council for Economic Development certifies that a new facility or expansion will have a significant impact on the region for which it is planned and the public benefit will exceed the costs to the public.

Status: Signed into law on April 4, 1995.

(2) LEGISLATION PASSED BY THE HOUSE
(as of Monday, May 8)

The following bills have been approved by the House this session and currently are pending in the Senate, whether in committee or on that chamber's calendar:

Truth-in-Sentencing **(H. 3238, Judiciary Committee).** This bill is designed to enact sentencing reform which would provide more uniformity and predictability in sentencing. As of last year, approximately one-third of all states had adopted some form of "truth in sentencing" legislation, with neighboring North Carolina being the most recent state to do so.

Under the House-approved version of H. 3238, a prisoner is not eligible for work release until he has served at least 80 percent of the actual term of imprisonment (if convicted of a violent crime) or at least 60 percent of the actual term of imprisonment if convicted of a non-violent crime. These percentages must be calculated without the application of earned work credits, education credits and good time credits, and the percentages are to be applied to the actual term of imprisonment, not to include the portion of the sentence which had been suspended. If, during the term of imprisonment, a prisoner commits an offense or violates one of the institution's rules, then all or a part of the credits can be forfeited at the discretion of the director of the Department of Corrections. These provisions on work release, however, do not apply to prisoners serving in a local correctional facility.

The bill also prohibits a prisoner from being eligible for early release, discharge or community supervision until he has served 85 percent of the actual term of imprisonment imposed (if convicted of a violent crime), or 70 percent of the actual term of imprisonment (if convicted of a non-violent crime). These percentages must be calculated without application of earned work credits, education credits, and good time credits. These percentages also must be applied to the actual term of imprisonment, not to include the portion of the sentence which has been suspended. If, during the term of imprisonment, a prisoner commits an offense or violates one of the institution's rules, all or a part of the credits can be forfeited at the discretion of the director of the Department of Corrections. These early release provisions do not apply to prisoners serving time in a local correctional facility.

The bill prohibits parole from being granted to any person who commits a crime after June of 1996; however, the Board of Pardons retains its duties in relation to parole for crimes committed prior to July of 1996. A two-thirds majority of the full board would be required to grant parole to a violent offender, except that the board could grant parole to an

offender who committed a violent crime prior to June 3, 1986 by a majority vote. The board also could grant parole to nonviolent offenders by a unanimous vote of a 3-member panel or by a majority vote of the full board.

Also under these provisions, inmates under the supervision of the Department of Corrections and who are not considered a safety risk may be utilized by a municipality, county, school district or 501 (c)(3) charity for purposes of construction, repair or maintenance service. The value of the inmates' construction services, however, cannot exceed the limit allowable for unlicensed contractors pursuant to the State's Contractors Licensing Law, and any improvements of a structural, electrical and mechanical nature must be designed, inspected and approved by a qualified professional engineer or a licensed commercial inspector and must comply with applicable building codes. For purposes of utilization of inmates for these purposes, inmates convicted of a crime involving sexual battery or assault with intent to commit criminal sexual conduct are considered a safety risk (with the Department retaining jurisdiction to determine other categories of offenses which it deems to be a safety risk).

All sentences pronounced in General Sessions Court involving incarceration for a term exceeding 1 year for a crime committed after June 1996 must include the incarceration period and up to 2 years of continuous community supervision. For crimes involving sentences of 1 year or less, the sentencing judge retains the discretion to include a requirement of completion of a community supervision program. This program is operated by the Department of Probation and Community Supervision and lasts no more than 2 years. Pursuant to recommendations of the probation agent, the court must determine when a prisoner fails to complete this program or when supervision should be revoked. If the court revokes community supervision, the prisoner must be returned to jail for up to a year and then be recycled through community supervision until that supervision is successfully completed. Each prisoner must successfully complete the program before release from the criminal justice system and the sentence is satisfied. The Department of Probation and Community Supervision must notify registered victims of the place where the prisoner is to be released on the community supervision program. Each adult placed on probation or community supervision must pay a regular supervision fee toward offsetting the cost of his supervision for so long as he remains under supervision. This fee is determined by the Department of Probation and Community Supervision based on the person's ability to pay and must range between $20 and $100 per month, with a delinquency of 2 months or more in payment of the fee during the supervision period serving as a condition for revocation of community supervision. Inmates who successfully complete a shock incarceration program also must be released on community supervision for a period of 2 continuous years.

The bill substitutes the Department of "Probation and Community Supervision" for the Department of "Probation, Parole and Pardon Service," while also changing the Board of Probation, Parole and Pardon Services to the Board of Pardons.

H. 3238 also revises sentencing options for murder, such that those options would be the death penalty, life imprisonment, and a mandatory minimum sentence of 30 years. In death penalty cases where the jury finds an aggravating circumstance but makes no recommendation for the death penalty, the court must impose life imprisonment. In death penalty cases where an aggravating circumstance is found, the defendant must be sentenced to either death or life imprisonment; if no aggravating circumstance is found, the defendant must be sentenced to either life imprisonment or a mandatory minimum sentence of 30 years. For purposes of these sentences, "life imprisonment" is to be taken literally (i.e., imprisonment until death).

Offenders convicted of a third time of a violent crime must be sentenced to life imprisonment (i.e., until death).

The bill also amends good time credits (used to reduce time served in a facility), such that these credits are to be received and computed at the rate of 3 days for every month served, with no person entitled to a reduction in sentence below that specified in this bill (in other words, credits cannot be used to allow a person convicted of a violent crime to serve less than 85 percent of his sentence, or under 70 percent if convicted of a non-violent crime), and these credits earned cannot be applied to prevent full participation in the prerelease and community supervision program. Provisions pertaining to work and academic credits are revised to allow for both to be received and computed at the rate of 6 days total for every month an inmate is employed or enrolled, with the maximum annual credit limited to 72 days. These work and academic credits may not be applied in a manner which would prevent full participation in the Department's prerelease and community supervision program.

The bill also requires appointment of a committee of legislators and the Attorney General to study mandatory minimum sentences and alternative sentences for non-violent offenders, along with examination of anti-recidivism methods for first-time non-violent offenders. The committee to report to the General Assembly no later than January 9, 1996 (first day of next year's legislative session).

Status: Approved by the House on January 19, 1995; currently pending on the Senate second reading contested calendar.

Term Limitations **(H. 3281, Judiciary Committee).** This proposed constitutional amendment would limit members of the General Assembly and state constitutional officers (Secretary of State, Attorney General, Treasurer, Superintendent of Education, Comptroller General, Commissioner of Agriculture and Adjutant General) to a maximum of 12 years in office in their respective post. Under these provisions, representatives may serve no more than 6 complete terms, while senators and state constitutional officers are limited to 3 complete terms. This 12-year limitation applies whether the service in the particular office is consecutive or non-consecutive (i.e.,

a lifetime limit). These term limitations would be retroactive to the 1994 general election for representatives and state constitutional officers and would apply to senators beginning with the 1996 general election. Service prior to the 1994 general election (for representatives and constitutional officers) and the 1996 general election (for senators) would not count toward this term limitation; for example, a representative with 8 years' service in the House at the time of the 1994 general election would still be able to serve another 12 years in office.

Status: Approved by the House on February 9, 1995; currently pending in the Senate Judiciary Committee.

1995-1996 General Appropriation Bill **(H. 3362, Ways and Means Committee).** This is the proposed $4.1 billion state budget for the upcoming fiscal year (July 1, 1995 through June 30, 1996). As approved by the House in mid-March, the budget, among other things, included $129 million in property tax relief for owner-occupied homes (with other $55 million provided through set-asides from the Carnell-Felder Act); no tax increases; $10 million to complete the phase-in of the capital gains rate reduction for taxpayers; $10 million for the second year phase-in of an increase in the tax exemption for families with children under age 6; establishment of a separate Property Tax Relief Fund within the State Treasury for purposes of providing property tax relief for owner-occupied residences; and abolishment of mandatory vehicle safety inspections. With regard to various subject areas, approximately $590 million (from general and supplemental funds) was appropriated for higher education; the average teacher salary was increased by 4.2 percent (to $31,749) to meet the estimated southeastern states' average; an additional $24.5 million was appropriated to criminal justice agencies; and an appropriation of $20.5 million to Corrections for operation of a new correctional institution and to annualize costs associated with facilities opening during the current fiscal year.

As noted earlier in this Update, the Senate spent the legislative week of May 1-5 on the budget. (For more information on the Senate version, please see page 4 of this Update.)

Status: Approved by the House on March 14, 1995; Approved, with amendments, by the Senate on May 5, 1995; Conference Committee expected to be appointed soon to resolve differences between the House and Senate versions of the budget.

Welfare Reform **(H. 3613, Rep. Wilkins).** Known as the "South Carolina Family Independence Act of 1995," these provisions emphasize personal and parental responsibility requirements for recipients of public assistance. The bill includes a requirement for a reciprocal agreement between recipients and the State that describes the actions the recipient must take to become employed and a timeframe for completing these actions. The

agreement also must include services to be provided by the Department of Social Services (DSS) to help the recipient become employed.

The bill would limit the time a recipient could receive public assistance, limiting receipt of benefits to no more than 24 months within a 120-month period (2 years out of every 10 years) and no more than 60 months (5 years) over a lifetime. Exceptions to this limitation would be made for recipients or their dependents who have disabilities; care for a child who has been abandoned by his parents; or lack of child care and transportation services needed to allow the client to participate in education and training programs. Extensions to this time limit would be allowed if the parent is under 18 and has yet to finish high school---AFDC (Aid to Families with Dependent Children) is to be provided for up to 24 months after the parent is 18 or completes high school (whichever comes first); or if the client is in a training program that will not be finished by the 24th month, benefits may be extended to a maximum of 30 months. Additionally, an extension may be granted if the AFDC recipient cannot find a job but can establish, by clear and convincing evidence, that he/she has fully complied with the recipient's agreement with DSS, including education and training; job search activities; and is willing to relocate; and DSS is satisfied that no available employment reasonably exists for the recipient; and that there are no other means of support reasonably available to the recipient's family. Every 60 days, DSS must review the recipient's compliance, and assistance may be extended for an additional 12 months if the person is engaged in education, training or other government-related activities.

H. 3613 would prohibit a family from being granted an increase in AFDC benefits as a result of a child born to that parent 10 or more months after the family beings to receive AFDC, unless the birth is due to rape or incest. However, the State may provide benefits to a child born after 10 months in the form of vouchers that may be used only to pay for particular goods and services specified by the State, as needed for the child's mother to participate in education training and employment-related activities.

The bill includes several child support enforcement mechanisms designed to streamline paternity determination and implementation of child support orders. Under these provisions, when a child is born to parents, either or both of whom are unmarried and under age 18, DSS may pursue support from one or both of the child's maternal and paternal grandparents, as long as the parent if the child is under 18. When a noncustodial parent is 2 months in arrears on child support, any license (whether professional, hunting, fishing, driving, law enforcement or watercraft) he holds will be revoked unless, within 90 days of receiving notice that the licensee is out of compliance with the order, the licensee has paid the arrearage or has signed a consent agreement with DSS establishing a payment schedule. Additionally, the AFDC recipient must cooperate with DSS in establishing paternity or lose AFDC benefits for herself and her family.

Status: Approved by the House on March 2, 1995; currently pending on the Senate second reading contested calendar.

Property Tax Relief **(H. 3651, Rep. H. Brown).** This bill provides for implementation of residential property tax relief, with the House having approved of $184 million in such relief for the upcoming fiscal year, of which $129 million is included in the budget and another $55 million is from set-asides from the Carnell-Felder act.

Under these provisions, the first phase of property tax relief must be used to phase out residential (i.e., owner-occupied residences) property taxes devoted to school operating costs. In fiscal years beginning after June of 1996, the General Assembly must appropriate one-half of estimated recurring revenue growth until residential property taxes (except for debt service and lease purchase payments) are completely phased out. Local governments must be reimbursed dollar for dollar for revenues lost because of this exemption. This tax exemption is contingent on full funding of the Education Finance Act and on a state appropriation each year reimbursing school districts by an amount equal to the school tax revenue loss resulting from the residential property tax exemption.

H. 3651 also imposes restrictions on the ability of local governments (counties, municipalities, special purpose districts, public service districts, and school districts) to raise taxes or fees. A three-fifths (3/5) vote of a local governing body is required to raise taxes or fees (excluding utilities) up to the percentage increase in the Consumer Price Index (i.e., the inflation rate), and a vote of two-thirds (2/3) of the governing body to raise taxes or fees above the rate of inflation (although if the governing body has fewer than 6 members, only a 3/5 vote is required to raise taxes and fees above the inflation rate. Taxes may be raised without either the 3/5 or 2/3 supermajority requirement in the following cases: {1} in response to a natural or environmental disaster as declared by the governor; {2} to offset a prior year's deficit, or a deficit in providing a service or function which is funded through imposition of fees; {3} to raise revenue necessary to comply with judicial mandates requiring use of local funds; and {4} (for levying of school taxes)---to meet the minimum required Local Education Finance Act inflation factor and the per pupil maintenance of effort requirement. The bill also requires a two-thirds (2/3) vote of the governing body to impose new taxes or fees for operating purposes. These restrictions, however, would not apply to millage levied to pay bonded indebtedness, lease-purchase agreements, or to maintain a reserve account, nor may the restrictions be construed to amend or repeal existing laws which limit the fiscal autonomy of special purpose districts, public service districts or school districts (to the extent those limitations are more restrictive than the provisions of H. 3651). Additionally, these tax restrictions would not apply to school districts in which increases in property taxes for a particular year must be approved in a district referendum. The bill also requires the approval of two-thirds of each branch

of the General Assembly in order for legislators to impose a general tax increase or new general taxes.

H. 3651 requires local governments to publish notice in a newspaper concerning a public hearing on the budget for the upcoming fiscal year. The notice must include detailed information concerning the budget (e.g., proposed or estimated change in operating budgets between the current fiscal year and the proposed budget; the proposed millage for the next fiscal year; and any new fees or taxes that would affect more than 5 percent of the total proposed budget).

This bill also establishes a Joint Ad Hoc Committee on Unfunded Mandates, consisting of 9 members (3 representatives, appointed by the Speaker; 3 senators, appointed by the President of the Senate; and 3 persons appointed by the governor) to investigate and review the role of unfunded mandates and their impact on counties. The committee must report to the General Assembly with specific recommendations on repeal or modification of all unfunded mandates existing as of July 1, 1995, with the report and recommendations made to the General Assembly prior to the beginning of the 1996 legislative session.

Also under these provisions, each county or the State, once every fourth year, must appraise and equalize properties under their jurisdictions. Upon completion of the reassessment program, the county or the State must notify each taxpayer of the change in value or classification if the change is $1,000 or more. In the fifth year, the county or the State must implement the program and assess property on the newly-appraised values.

Status: Approved by the House on March 28, 1995; currently pending in the Senate Finance Committee.

Presumption of Disability for Loss of Use of Back **(H. 3838, House Labor, Commerce and Industry Committee).** Current law provides that for workers' compensation purposes, a person with 50 percent or more loss of use of one's back is deemed permanently and totally disabled, with the employer or carrier not allowed to argue whether the injury is a total disability. This automatic presumption often leads to claimants receiving more compensation than deserved, with benefits for permanent disability extending for 500 weeks, in comparison to only 300 weeks for under a 50 percent loss of use of back. Under this bill, however, the presumption of total and permanent disability due to a 50 percent or greater loss of use of back may be rebutted by a preponderance of evidence to the contrary.

Status: Approved by the House on April 27, 1995, currently pending in the Senate Judiciary Committee.

Restructuring of Commission on Higher Education **(H. 3915, House Education and Public Works Committee).** This bill would change the

composition of the Commission on Higher Education, increasing its size from 18 to 19 members. While 12 of the Commission's members would continue to be appointed from congressional districts, there no longer would be 6 at-large members under these provisions; instead, in place of those at-large appointments, would be 6 members representing public colleges and universities, appointed by the governor with the advice and consent of the Senate. Equitable representation by sector must be given on the commission by appointing members from public senior research institutions, 4-year public institutions of higher learning, and technical colleges or the State Board for Technical and Comprehensive Education. All 6 of the Commission members representing public colleges and universities must be members of the governing boards of their respective institutions, would serve as ex-officio members of the commission, and would be appointed as the terms of the current at-large appointees expire. The bill retains the current 2-term limit for commission members representing congressional districts but limits commission members representing public institutions of higher learning to 1 term. The bills also adds an ex-officio member to the commission, with this member representing independent colleges and universities and appointed by the governor with the advice and consent of the Senate. This ex-officio member must be serving as a member of the Advisory Council of Private College Presidents.

This bill also grants additional duties and functions to the Commission as pertains to public institutions of higher learning, requiring the commission to establish procedures for transferability of courses at the undergraduate level between 2 and 4-year institutions and schools; coordinate with the State Board of Education in approval of secondary education courses for the purpose of determining college entrance requirements; and review undergraduate admissions standards for in-state and out-of-state students.

Also under these provisions, a 12-member joint legislative committee is established to study the governance and operation of higher education in South Carolina. This committee must conduct a comprehensive review of the current governance structure of the state's higher education system; examine national trends in higher education governance structures and lines of authority/relationship between boards of trustees and the commission; and investigate how higher education opportunities are currently provided to South Carolina students by examining the structure of higher education institutions. This committee must issue a final report by January 1, 1996, with the report serving as the decennial report of the Commission on Higher Education. This report would be submitted to the House Education and Public Works and Senate Education Committees and must be considered the first report required by the Decennial section of the Commission's Master Assessment Plan.

Status: Approved by the House on April 27, 1995; currently pending in the Senate Education Committee.

(3) LEGISLATION PENDING ON HOUSE CALENDAR
(as of Monday, May 8)

The following legislation is pending either on the House contested or uncontested calendar:

Law-Abiding Citizens Self-Defense Act of 1995 **(H. 3730, Rep. J. Young).** This bill provides for the issuance of concealed weapons permits by the State Law Enforcement Division (SLED) to South Carolina residents meeting certain requirements. For these purposes, a "concealable weapon" is one having a length of less than 12 inches, measured along its greatest dimension.

Under these provisions, a person seeking this permit must be at least age 21, must have been a resident of this State for at least 180 days prior to application for a permit, and must provide proof of firearms training (such as completion of a course offered by a law enforcement agency or a hunter education course). In addition to paying the application fee of $25, the applicant must certify that he is not prohibited by state law from owning a weapon and that he understands that his permit must be revoked (and surrendered immediately to SLED) if he becomes prohibited under state law from possessing a weapon. If SLED determines that an applicant is not qualified to receive a permit, then SLED must issue a statement to the applicant specifying the reasons for denial. Denials may be appealed to the Chief of SLED within 30 days from the date notice of denial was received. The chief must issue a decision within 10 days from the date the appeal is received, with an adverse decisions subject to review by the Circuit Court. The permits are valid statewide but must be surrendered if the holder moves out of state. Permits to carry concealed weapons held by residents and issued by states which honor permits issued in accordance with these provisions must be honored by South Carolina.

The bill exempts from liability that may arise form issuance of a permit those medical personnel, law enforcement agencies and their personnel who in good faith provide information pertaining to a person's application for a permit. The bill also requires SLED to maintain a list of permit holders and the current status of each permit, with this information confidential and exempt from disclosure under the Freedom of Information Act. Permit holders must possess the permit identification card when carrying a concealed weapon and must present the card to a law enforcement officer upon request when the holder is carrying a concealed weapon. The bill also provides for replacement of missing or destroyed permit identification cards and requires holders who change address within South Carolina to inform SLED of such information.

Permits issued under this act do not authorize the holder to carry a concealed weapon into a facility or on board an aircraft where prohibited by state or federal law. This permit is not required for law enforcement officers (while carrying out their official duties), persons while on their property, hunting activities, etc., and that additionally the permit is not required in order to carry a non-lethal self-defense device (such as pepper gas) or to carry a concealable weapon in a manner not prohibited by law.

Status: Pending on House second reading contested calendar.

State Lottery **(H. 3772, Rep. Scott).** This joint resolution proposes to amend the Constitution to authorize a state lottery. Under these provisions, revenues derived from the state lottery must be paid into a state lottery fund, to be invested by the State Treasurer and with interest earned remaining a part of the fund. No more than 15 percent of revenues each year from the lottery may be used for the lottery's operational expenses, while 50 percent of revenues must be expended as prizes. Remaining revenues must be used for nonrecurring expenses for public education (including public higher education), health care, water and sewer infrastructure, other capital improvements, reduction of bonded indebtedness, or for any combination of these purposes in the manner as provided by law by the General Assembly. If adopted by the General Assembly (requires two-thirds approval in each chamber---83 votes in the House, 31 votes in the Senate), then this joint resolution would be submitted as a constitutional amendment to the voters for approval at the November 1996 general election.

Status: House members recalled this measure from the House Judiciary Committee on May 3, 1995, by a vote of 59-47; measure currently pending on House second reading uncontested calendar.

Additional Judges for Court of Appeals, Circuit Court and Family Court **(H. 3841, Rep. Sheheen).** This bill adds 3 more judges to the Court of Appeals, expanding the number of judges on that court from 6 to 9, and adds 4 additional circuit court judges, with an additional judge each for the 5th Circuit (Kershaw and Richland Counties), 13th Circuit (Greenville and Pickens Counties), 15th Circuit (Georgetown and Horry Counties) and 16th Circuit (Union and York Counties). At least 1 of the 3 judges in the 9th Circuit (Berkeley and Charleston Counties) must be a resident of the lesser populated county, although this residency requirement does not preclude the re-election of any incumbent resident circuit court judge if this would result in more resident judges from a county in the circuit than otherwise permitted under these provisions.

The bill also expands the number of Family Court judges in South Carolina from 46 to 49, adding 1 judge each for the 5th, 13th and 15th circuits. In judicial circuits consisting of 5 counties (currently only the

14th circuit---Allendale, Beaufort, Colleton, Hampton and Jasper---has that many counties), at least 1 family court judge must reside in 1 of the 3 counties with the smallest populations in the circuit.

Status: Pending on the House second reading contested calendar.

Senate Reapportionment Plan **(S. 9, Sen. Holland).** This bill is the proposed Senate reapportionment plan, offered in response to the federal court order two years ago that the chamber draw up new district lines. Population of the Senate districts is based on 1990 U.S. Census information. If adopted by the General Assembly, and also approved by the U.S. Justice Department, this plan would be in effect through the year 2000, after which time the decennial process of reapportionment would begin again.

Status: Set for special order by the House for Tuesday, May 9. (For information about these districts, please turn back to page 4 of this Update for a report on this plan.)

(4) LEGISLATION PENDING IN HOUSE COMMITTEES
(as of Monday, May 8)

South Carolina Charter Schools Act of 1995 **(H. 3388, Rep. Richardson).** This bill provides for the establishment of "charter schools" within the state's public school's districts, with the purposes of these schools being, among other things, to enhance learning opportunities in school communities across the State by ensuring schools have rigorous standards for pupil commitment to performance; encourage use of diverse and innovative teaching methods; provide parents and pupils expanded choices in types of education opportunities within the public school system and encourage greater parental and community involvement within public schools.

The bill defines a "charter school" as one which is public, non-sectarian , non-religious, non home-based and non-profit; and which operates within a public school district but which is accountable either to the State Board of Education or to the local school district board of trustees (depending on which entity grants the school its charter). A charter school must be administered and governed by a governing body in a manner agreed to by the charter school applicant and the approving body and cannot charge tuition. Enrollment in a charter school must be open to any child residing within the school district, although if applications for enrollment in the school exceed available spaces, then pupils must be chosen via a random selection process. Under these provisions, charter schools are exempt from laws and regulations applicable to public schools (except for antidiscriminatory laws, health and safety standards, etc.) and cannot hire noncertified teachers in a ratio which is higher than 20 percent of its entire teacher staff. Any applicant wishing to form a charter school must organize the school as a nonprofit corporation under South Carolina law; elect a charter committee (i.e., governing board) for the school; and submit a charter school application to the State Board of Education or the local school board of trustees for the school district where the school will be located. The application must be a proposed agreement detailing, among other things, how facilities for the schools will be obtained and the goals, objectives and pupil achievement standards to be achieved. Either the State Board or the local school board must approve the agreement.

The bill also allows an existing public school to be converted into a charter school if two-thirds of the school's faculty and instructional staff, two-thirds of parents/legal guardians of students enrolled at the school, and a majority of members of the local school district board agree with filing an application with the State Board for conversion and formation of that school into a charter school. Any converted charter school must offer at a minimum the same grades or nongraded education appropriate for

the same ages and education levels of pupils as offered by the school immediately before conversion.

Charters for these schools may be approved or renewed for a period not to exceed 3 school years and lists conditions (such as failure to meet pupil achievement standards) under which a charter may be revoked or not renewed. Upon dissolution of a charter school, its assets must be distributed in the manner as required by the South Carolina Nonprofit Corporation Act of 1994.

The bill allows teachers at public schools within the district where the charter school is located to be employed by the school; upon the teacher's request, he or she must be granted a 1-year leave of absence by the school district to teach at the charter school (with the leave of absence subject to renewal for an additional 2 years). The bill also provides for a teacher's seniority, vesting and benefits' rights while employed in the charter school. Pupils enrolled in a charter school must be included in the pupil enrollment of the district within which the pupil resides, and each student in the district must be credited with an equal amount of funding for his or her education, subject to appropriate student-based cost formulas. The State Department of Education must determine the amount of state funds to which the charter school is entitled and direct state officials to transmit these funds to the charter school. The governing body of the charter school may accept gifts, donations and grants of any kind made to the school, and these schools are exempt from all state and local taxation on their earnings and property.

Also under these provisions, a charter schools stimulus fund is established, a separate fund within the state general fund to provide financial support to charter school applicants and charter schools for start-up costs and costs associated with renovating and remodeling existing buildings and structures. Each qualifying charter school applicant or charter school may be awarded an initial grant not exceeding $100,000 during or before the first year of the school's operation. Additionally, applicants and charter schools receiving these initial grants may apply to the Department of Education for an additional grant not exceeding $100,000.

Status: Pending in the House Education and Public Works Committee.

Home School Students Permitted To Participate in Interscholastic Activities of the School Districts Where They Reside (H. 3467, Rep. Fair). This bill permits home school students to participate in interscholastic activities (such as athletics, music and speech) in the school district where he resides if meets several conditions, as listed below:

(1) the student's home schooling program is approved by his school district's board of trustees or conducted under the auspices of the South Carolina Association of Independent Home Schools;

(2) the student meets all school district eligibility requirements except for the district's school or class attendance requirements and the

class/enrollment requirements of the associations administering interscholastic activities;

(3) the student is achieving academic and promotion standards prescribed by either the school district board or the Association of Home Schools;

(4) the student fulfills the same responsibilities and standards of behavior and performance required of other students participating in the activities and meets the same standards for acceptance on the team and squad; and

(5) the student resides within the attendance boundaries of the school in which he seeks to participate in interscholastic activities.

The bill also prohibits a public school student who has been unable to maintain academic eligibility from being eligible to participate in interscholastic activities as a home school student for the following year. For purposes of establishing academic eligibility for subsequent school years, the student must meet the academic and promotion standards as required by public school students to become eligible for the next year.

Status: Pending in the House Education and Public Works Committee.

Abolition of Tenure at Public Colleges and Universities **(H. 3767, Rep. Witherspoon).** This bill prohibits tenure from being granted to non-tenured faculty at public colleges and universities. Furthermore, the bill requires the governing board of each public college and university employing tenured faculty to develop a new employment relationship (within 2 years after these provisions become effective) acceptable to the institution and to the tenured faculty, of which one component must include the elimination of tenure as part of the employment relationship.

Status: Pending in the House Education and Public Works Committee.

Governor To Appoint Justices and Judges from List of Nominees Submitted by a Judicial Merit Selection Commission **(H. 3961 and 3962, Rep. Wilkins).**

Currently in South Carolina, justices and judges of courts of uniform jurisdiction (Supreme Court, Court of Appeals, Circuit Court and Family Court) are elected by joint public vote of the General Assembly, with judges of the Administrative Law Judge Division also elected by legislators. Under the provisions of H. 3961 and 3962, however, justices and judges of these 5 court systems would be appointed by the governor (without any confirmation required by the General Assembly) from a list of nominees submitted by a newly-created judicial merit selection commission. Summarized below are two measures proposing this change---H. 3962, a proposed constitutional amendment to require these justices and judges to be selected by the governor from a list of nominees submitted by this new commission, and H.

3961, a bill serving as "implementing legislation" for creation of this new commission and its duties and responsibilities.

H. 3962 requires the governor to appoint these justices and judges from a list of nominees submitted by a newly-created Judicial Merit Selection Commission. This commission must nominate between 3 and 5 persons who its deems best qualified among all applicants for a particular vacancy on any of those courts. If fewer than 3 persons apply or agree to be considered for a vacancy, or if the commission concludes that there are fewer than 3 candidates qualified for a vacancy, then the commission must submit to the governor only the names of those applicants determined to be qualified, with a written explanation for submitting less than 3 names. If the commission submits at least 3 names to the governor, then he must select 1 of those nominees, but if fewer than 3 names are submitted, then the governor may reject those nominees and require the commission to submit additional nominations. If an incumbent justice or judge seeks another term and is found qualified by the commission, then only his name is forwarded to the governor for appointment, but if the commission does not find the incumbent justice or judge qualified, or the governor does not make the reappointment within 30 days of presentation, then the commission must submit additional names as provided above. The proposal also requires creation of a judicial merit selection commission to consider the qualifications and fitness of judicial candidates and to assist the governor in selecting qualified justices and judges for these 5 court systems. The General Assembly, by law, must provide for membership and duties of the commission (summarized below in H. 3961). If the General Assembly approves this proposal (requires two-thirds approval of the elected membership of the House and the Senate), then it would be submitted as a constitutional amendment to the voters for approval at the November 1996 general election.

H. 3961 is a bill to implement by statute the newly-created judicial merit selection panel, as authorized under H. 3962, which, as noted above, must assist the governor in selecting qualified justices and judges for vacancies (whether from death, resignation, etc.) in the Administrative Law Judge Division, Family Court, Circuit Court, Court of Appeals and Supreme Court (hereafter referred to as the "5 courts'). The bill also changes current statutes to require justices and judges of those courts to be appointed by the governor from nominees submitted by this new commission.

This commission consists of 12 members---4 appointed by the Speaker, 4 appointed by the Senate President Pro Tempore, and 4 appointed by the governor. None of the commission members may be a current member of the General Assembly, while 8 commission members (3 each appointed by the Speaker and Senate President Pro Tempore) must be practicing members of the South Carolina Bar (admitted to practice for at least 5 years), with the remaining 4 commission members being non-lawyers. Prior to making their respective appointments, the Speaker, Senate President Pro Tempore and Governor must solicit recommendations for their appointments to the commission from the President of the State Bar and Dean of the University of South Carolina School of Law. Commission members are ineligible for

nomination and appointment as a judge or justice on any of these 5 court systems while serving on the commission and for 2 years after ceasing to be a commission member. Commission members also may not hold office in a political party and also may not hold appointed or elective office of the United States, the State or other governmental entity and may not serve more than 2 full 4-year terms on the commission.

Under this bill, the commission is responsible for determining when vacancies are to occur on these courts and investigating qualifications of candidates for those judicial positions. In carrying out these responsibilities, the commission may investigate and obtain information relative to any candidate from any state agency or other group; issue subpoenas requiring appearance of persons and production of information; and administer oaths and take dispositions.

After examining qualifications of judicial candidates, the commission (except in the case of incumbent judges) must select and send to the governor the names of 3-5 nominees whom it considers best qualified for the judicial office under consideration. If fewer than 3 persons apply or agree to be considered for the vacancy, or the commission concludes that fewer than 3 candidates are qualified, then the commission must report to the governor only those who applied or agreed to be considered and are determined to be qualified. If the commission submits at least 3 names to the governor, then he must select one of the nominees, but if fewer than 3 names are submitted, then the governor may reject those nominated and request further nominations from the commission. The bill prohibits any candidate for any of these 5 court systems from campaigning or lobbying (whether directly or indirectly) the governor for appointment to the office sought until the commission has submitted its nominations. If a sitting justice or judge seeks re-election, then the commission must recommend him for reappointment unless 7 of the commission's 12 members vote to deny recommendation of another term for the incumbent. If reappointment is recommended, then the commission must submit only the incumbent's name to the governor; however, if the commission denies reappointment, or the governor does not reappoint the incumbent within 30 days of presentation, then the commission must submit a list of additional nominees.

Status: Both measures pending in House Judiciary Committee.

<u>Life without Parole upon Certain Number of Convictions</u> **(S. 41, Sen. Courson).** This bill requires a sentence of life without parole for persons convicted a certain number of times of a "most serious offense" or a "serious offense".

Under these provisions, except when the death penalty is imposed, a person convicted for a "most serious offense" must be sentenced to life imprisonment without parole if he has at least 1 prior conviction for [1] a most serious offense; [2] a federal or out-of-state conviction for an offense which would be classified as a most serious offense under this bill;

or [3] any combination of the offenses in [1] and [2]. Also except in death penalty cases, a person convicted of a "serious offense" must be sentenced to life without parole if he has at least 2 prior convictions for [1] a serious offense; [2] a most serious offense; [3] a federal or out-of-state offense that would be classified as a serious or most serious offense; or [4] any combination of offenses listed in [1-3].

The bill lists offenses which are classified as "most serious" ones, examples of which are murder, criminal sexual conduct, armed robbery. kidnapping and first degree burglary. A "serious offense" includes felonies which carry a maximum imprisonment of 30 years (except for felonies included above as "most serious"---murder, armed robbery, etc.) and a number of other felonies as listed in the bill (some of which are so-called "white collar" crimes---tax evasion, bribery, insurance fraud, etc., and some of which are violent crimes such as drug trafficking causing death while operating a vehicle DUI, etc.) A "serious offense" also includes being an accessory before the fact for any of the offenses classified as "serious" or attempting to commit a "serious" offense.

Persons sentenced pursuant to these provisions are ineligible for parole except in limited circumstances (to be discussed later in this paragraph) and are ineligible for early release or release to relive prison overcrowding. However, a person sentenced pursuant to this act may be paroled if (1) the Department of Corrections requests the Department of Probation, Parole and Pardon (DPPS) to consider the person for parole; (2) DPPS determines that because of health or age the person is no longer a threat to society, and (3) the person meets 1 of the following 4 requirements:

(a) has served at least 30 years of the sentence imposed pursuant to this bill and is at least age 65;

(b) has served at least 20 years of the sentence imposed pursuant to this bill and is at least age 70;

(c) is afflicted with a terminal illness where life expectancy is 1 year or less; or

(d) can produce evidence comprising the most extraordinary circumstances.

For purposes of determining a conviction under these provisions, if the person was convicted for multiple offenses which were committed during a single chain or circumstances, a single course of conduct, connected transactions, or times so closely connected in point of time that they may be considered as one offense, then such multiple convictions must be treated as 1 conviction.

Status: Pending in the House Judiciary Committee.

Total copies 570
Total cost $ 570.00
Cost per copy $ 1.00
Date 5-9-95
S. C. Legislative Council